

Response
Serial No. 09/933,864
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REMARKS

The following remarks are fully responsive to the final Office Action set forth above. This Response places the application in condition for allowance, or in better position for appeal, and entry of this Response and reconsideration of the application is requested.

No claims are amended or added. After entry of this Response, claims 1-8, 10-25, 27-34, and 37-61 are pending. The Examiner has indicated the allowability of claims 1-8, 10-25, 27-34, and 37-52.

Claim Rejections – Nonstatutory Double-Patenting

The Examiner rejected claims 53-61 under the judicially created doctrine of obviousness-type double patenting, as unpatentable over several allowed claims from U.S. Application 09/933,884 of Hayakawa, *et al.*, assigned to Kodak Polychrome Graphics LLC (the assignee of the present application). The rejection is respectfully traversed.

All allowed claims from U.S. Application 09/933,884 have been cancelled (including all claims relied upon by the Examiner for the double-patenting rejection) by an Amendment Accompanying Request for Continued Examination, filed November 21, 2003. New claims were filed in place of the cancelled claims. A copy of the Amendment Accompanying Request for Continued Examination filed in U.S. Application 09/933,884 is attached hereto for the Examiner's reference.

Applicants submit that the present claims 53-61 are not obvious in view of any of the new claims from U.S. Application 09/933,884. Withdrawal of the rejection is requested.

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Conclusion

This Response places the application in condition for allowance, or in better position for appeal, and entry of this Response and reconsideration of the application is requested. All pending claims are now in condition for allowance. A notice to that effect is respectfully requested.

Respectfully Submitted,

NEIL FREDERICK HALEY et al.

By:


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Dated: November 21, 2003

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ELJI HAYAKAWA et al.	Examiner:	Chu, John S Y
Serial No.:	09/933,884	Group Art Unit:	1752
Filed:	August 21, 2001		
For:	IMAGEABLE COMPOSITION CONTAINING COLORANT HAVING A COUNTER ANION DERIVED FROM A NON- VOLATILE ACID (As Amended)	Docket No.	58575-279179

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Commissioner for Patents
P. O. Box 1450
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I CERTIFY THAT, ON NOVEMBER 21, 2003, THIS PAPER IS BEING
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Karen Hull
Karen Hull

**AMENDMENT ACCOMPANYING REQUEST FOR
CONTINUED EXAMINATION**

This Amendment accompanies a Request for Continued Examination, filed following receipt of a Notice of Allowance mailed September 8, 2003.

The required fee for a Request for Continued Examination is included with this paper. A fee for additional claims is required for entry of this paper. A credit card authorization is included for the required fees. In the event that any additional fee is required for entry of this paper, the Commissioner is authorized to charge our Deposit Account 06-0029 and is requested to notify us of the same.

This Amendment includes:

Amendments to the Specification (p. 2)

Amendments to the Claims (pp. 3-11)

Remarks and Conclusions (p. 12)

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AMENDMENTS TO THE SPECIFICATION

On page 1 of the specification, please replace the title with the following amended title:

**IMAGEABLE COMPOSITION CONTAINING ~~INFRARED ABSORBER WITH~~
COLORANT HAVING A COUNTER ANION DERIVED FROM A NON-VOLATILE ACID**

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AMENDMENTS TO THE CLAIMS

1. ~ 46. (Cancelled)
47. (New) An imageable composition comprising:
 - an acid curable composition;
 - an acid generator; and
 - a colorant, wherein the colorant includes a counter anion derived from a non-volatile acid.
48. (New) The composition of claim 47, wherein the acid curable composition comprises:
 - a crosslinkable binder; and
 - a crosslinking agent.
49. (New) The composition of claim 48, wherein the binder comprises a polymer having at least two reactive groups each independently selected from the group consisting of: hydroxy, carboxylic acid, amine, carbamate, amide, sulfonamide and imide.
50. (New) The composition of claim 48, wherein the binder comprises a polymer having at least two reactive hydroxy groups.
51. (New) The composition of claim 48, wherein the binder comprises a polymer selected from the group consisting of: a polyol, a polyether polyol, a novolak resin, a resole resin, a hydroxyfunctional acrylic resin, a hydroxyfunctional polyester resin, and combinations thereof.
52. (New) The composition of claim 48, wherein the binder comprises a novolak resin.
53. (New) The composition of claim 48, comprising a crosslinking agent selected from the group consisting of: a resole resin, an amino resin, an amido resin, an epoxy compound having at least two epoxide groups, and combinations thereof.
54. (New) The composition of claim 48, wherein the crosslinking agent comprises a resole resin.

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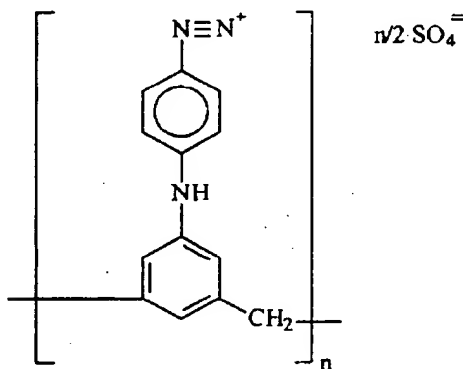
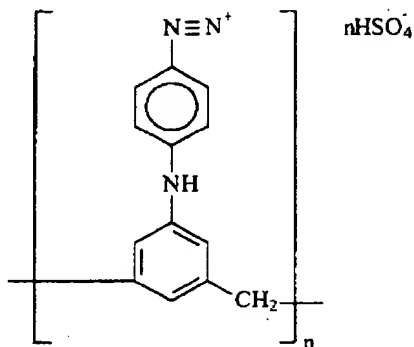
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55. (New) The composition of claim 48, wherein the crosslinking agent comprises an amino resin having at least two alkoxymethyl groups.
56. (New) The composition of claim 48, comprising an isocyanate crosslinker having at least two isocyanate groups.
57. (New) The composition of claim 47, wherein the acid generator is an ultraviolet, visible or infrared radiation or heat activated compound.
58. (New) The composition of claim 47, comprising an acid generator selected from the group consisting of: an onium salt, a covalently bound sulfonate group-containing compound, hydrocarbylsulfonamido-N-hydrocarbyl sulfonate, and combinations thereof.
59. (New) The composition of claim 47, wherein the acid generator comprises an onium salt.
60. (New) The composition of claim 59, wherein the onium salt has a non-nucleophilic counter anion selected from the group consisting of: tetrafluoroborate, hexafluorophosphate, hexafluoroarsenate, hexafluoroantimonate, triflate, tetrakis(pentafluorophenyl)borate, pentafluoroethyl sulfonate, p-methylbenzene sulfonate, ethyl sulfonate, trifluoromethyl acetate and pentafluoroethyl acetate.
61. (New) The composition of claim 59, wherein the onium salt is selected from the group consisting of: an iodonium salt, a sulfonium salt, a hydrocarbyloxysulfonium salt, a hydrocarbyloxyammonium salt, an aryl diazonium salt, and combinations thereof.
62. (New) The composition of claim 59, wherein the onium salt is a salt of an N-hydrocarbyloxy-substituted nitrogen-containing heterocyclic compound.
63. (New) The composition of claim 47, wherein the acid generator includes a monomeric or oligomeric aromatic diazonium salt.

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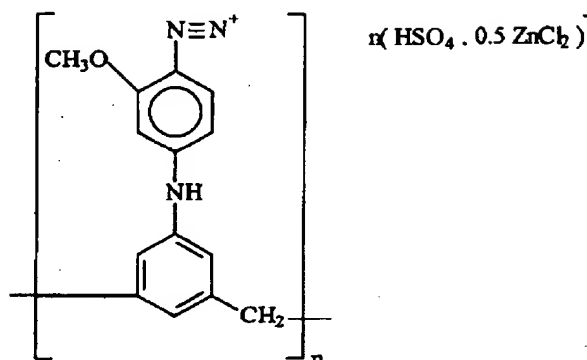
64. (New) The composition of claim 63, wherein the diazonium salt is selected from the group consisting of 2-methoxy-4-phenylaminobenzene diazonium hexafluorophosphate, 2-methoxy-4-phenylaminobenzenediazonium p-toluenesulfonate, and combinations thereof.
65. (New) The composition of claim 63, wherein the diazonium salt is an oligomeric diazonium salt represented by one of the structures:



and

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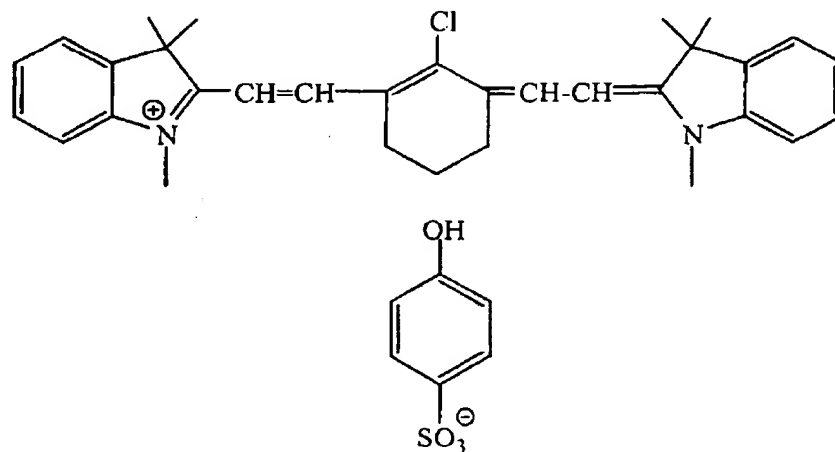
wherein n is from 1 to 11, and combinations thereof.

66. (New) The composition of claim 47, further comprising a photothermal converter material.
67. (New) The composition of claim 47, further comprising an infrared absorber.
68. (New) The composition of claim 67, wherein the infrared absorber is selected from the group consisting of: a pigment, a dye, and combinations thereof.
69. (New) The composition of claim 67, wherein the infrared absorber includes a dye selected from the group consisting of: cyanine dyes, squarylium dyes, pyrylium salts and nickel thiolate complexes.
70. (New) The composition of claim 67, wherein the infrared absorber includes an infrared-absorbing dye including a counter anion derived from a non-volatile acid.
71. (New) The composition of claim 70, wherein the infrared-absorbing dye includes a counter anion derived from a non-volatile sulfonic acid.

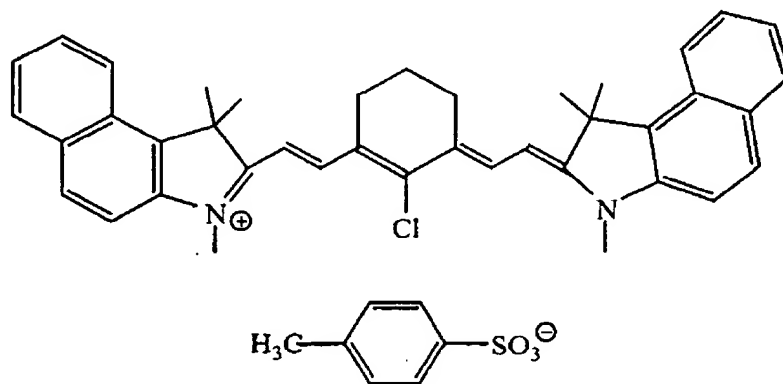
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72. (New) The composition of claim 70, wherein the infrared-absorbing dye is represented by the structure:



73. (New) The composition of claim 70, wherein the infrared-absorbing dye is represented by the structure:

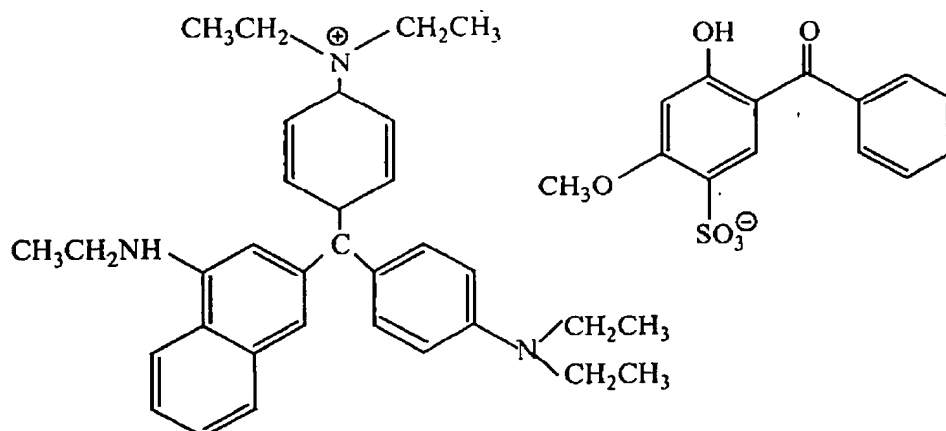


74. (New) The composition of claim 47, wherein the colorant includes a counter anion derived from a non-volatile sulfonic acid.

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75. (New) The composition of claim 47, wherein the colorant includes a compound represented by the structure:



76. (New) An imageable element comprising:
a substrate; and
an imageable coating on a surface of the substrate, the coating comprising: an acid curable composition; an acid generator; and a colorant, wherein the colorant includes a counter anion derived from a non-volatile acid.
77. (New) The imageable element of claim 76, wherein the substrate is an aluminum sheet.
78. (New) The imageable element of claim 76, wherein the acid curable composition comprises:
a crosslinkable binder; and
a crosslinking agent.
79. (New) The imageable element of claim 78, wherein the binder comprises a polymer having at least two reactive hydroxy groups.
80. (New) The imageable element of claim 78, wherein the binder comprises a polymer selected from the group consisting of: a polyol, a polyether polyol, a novolak resin, a resole resin, a hydroxyfunctional acrylic resin, a hydroxyfunctional polyester resin, and combinations thereof.

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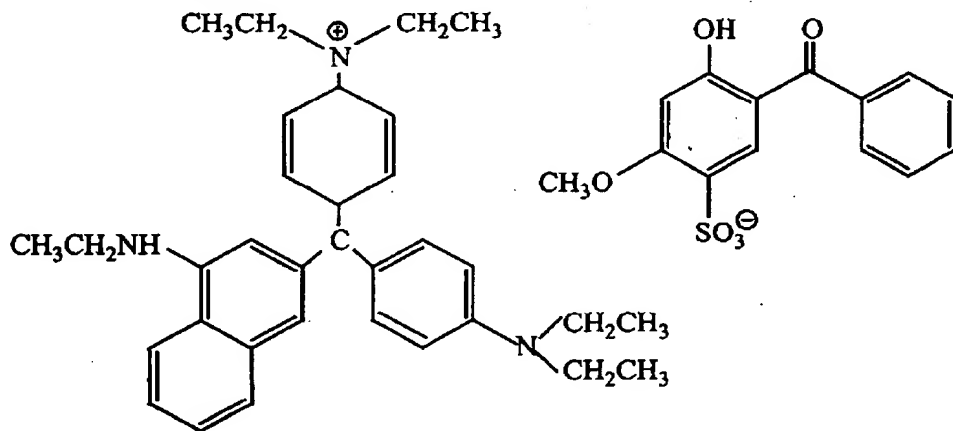
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81. (New) The imageable element of claim 78, wherein the binder comprises a novolak resin.
82. (New) The imageable element of claim 78, comprising a crosslinking agent selected from the group consisting of: a resole resin, an amino resin, an amido resin, an epoxy compound having at least two epoxide groups, and combinations thereof.
83. (New) The imageable element of claim 78, wherein the crosslinking agent comprises a resole resin.
84. (New) The imageable element of claim 76, wherein the acid generator is an ultraviolet, visible or infrared radiation or heat activated compound.
85. (New) The imageable element of claim 76, wherein the acid generator comprises an onium salt.
86. (New) The imageable element of claim 85, wherein the onium salt is selected from the group consisting of: an iodonium salt, a sulfonium salt, a hydrocarbyloxysulfonium salt, a hydrocarbyloxyammonium salt, an aryl diazonium salt, and combinations thereof.
87. (New) The imageable element of claim 76, wherein the acid generator includes a monomeric or oligomeric aromatic diazonium salt.
88. (New) The imageable element of claim 76, further comprising a photothermal converter material.
89. (New) The imageable element of claim 76, further comprising an infrared absorber.
90. (New) The imageable element of claim 89, wherein the infrared absorber is selected from the group consisting of: a pigment, a dye, and combinations thereof.
91. (New) The imageable element of claim 89, wherein the infrared absorber includes a dye selected from the group consisting of: cyanine dyes, squarylium dyes, pyrylium salts and nickel thiolate complexes.

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92. (New) The imageable element of claim 89, wherein the infrared absorber includes an infrared-absorbing dye including a counter anion derived from a non-volatile acid.
93. (New) The imageable element of claim 92, wherein the infrared-absorbing dye includes a counter anion derived from a non-volatile sulfonic acid.
94. (New) The imageable element of claim 76, wherein the colorant includes a counter anion derived from a non-volatile sulfonic acid.
95. (New) The imageable element of claim 76, wherein the colorant includes a compound represented by the structure:



96. (New) A method of making an imageable element including a substrate and an imageable coating on the substrate, the method comprising the steps of:
- contacting a substrate with an imageable composition dissolved or dispersed in a suitable solvent, wherein the imageable composition comprises an acid curable composition, an acid generator, and a colorant, wherein the colorant includes a counter anion derived from a non-volatile acid; and
- drying to remove solvent, leaving an imageable coating on the substrate.
97. (New) A method of producing an imaged element comprising the steps of:
- providing a thermally imageable element comprising a substrate and a thermally

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imageable coating on a surface of the substrate, the coating comprising an acid curable composition, an acid generator, and a colorant, wherein the colorant includes a counter anion derived from a non-volatile acid;

imagewise exposing the imageable element to heat to produce an exposed element having exposed and unexposed regions of the coating;

baking the exposed element at a temperature and period of time sufficient to produce a cured element; and

contacting the cured element with a developer to remove the unexposed regions of the coating and thereby produce the imaged element.

98. (New) The method of claim 96, wherein the step of imagewise exposing is carried out using an infrared laser.

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COPY**REMARKS**

By this Amendment, claims 1-46 are cancelled. Claims 47-98 are added. No new matter is added to the application by this Amendment. After entry of this Amendment, claims 47-98 are pending.

The title is amended to more accurately describe an embodiment of the claimed invention.

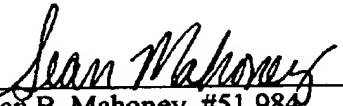
Conclusion

All pending claims are now in condition for allowance. A notice to that effect is respectfully requested.

Respectfully Submitted,

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Dated: November 21, 2003

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